

## **RESOLUTION 2005-14**

### **A RESOLUTION CONCERNING THE OPERATING AGENT CONTRACT FOR A PROJECT IN ORANGE COUNTY, INDIANA**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6:

The following factors have been considered by the Commission:

1. Pursuant to IC 4-33-6.5-1, the Commission may enter into one operating agent contract with a person to operate one riverboat on behalf of the Commission in a historic hotel district. The Commission shall issue a request for proposals and award the contract under IC 5-22-9. A request for proposals was issued on March 5, 2004. Three proposals were received.
2. On July 20, 2004, the Commission entered an Order awarding an Operating Agent Contract for a Project in Orange County, Indiana to Trump Indiana Casino Management, LLC ("Trump"). Pursuant to the Order, the awarding of the contract was contingent upon negotiation of and execution of an Operating Agent Contract. The Order further granted the Executive Director of the Commission the authority to negotiate and execute an Operating Agent Contract, as does Resolution 2004-34, adopted by the Commission on August 5, 2004. The Order further provided that if the parties were unable to negotiate and execute a Contract, the Order would be withdrawn upon further action of the Commission.
3. On February 28, 2005 and pursuant to authority delegated by the Commission, the Executive Director terminated negotiations with Trump regarding the Operating Agent Contract.
4. On March 23, 2005, the Commission adopted an Order withdrawing the July 20, 2004 Order and the award of the Operating Agent Contract to Trump.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

#### **SECTION 1. SCOPE.**

This resolution applies to all applicants for an Operating Agent Contract for a Project in Orange County, Indiana.

#### **SECTION 2. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

**SECTION 3. ISSUANCE OF A SECOND REQUEST FOR PROPOSALS REGARDING THE OPERATING AGENT CONTRACT FOR A PROJECT IN ORANGE COUNTY, INDIANA.**

The Executive Director is hereby granted the authority to issue a second request for proposals to award an Operating Agent Contract for a Project in Orange County, Indiana.

**SECTION 4. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

**ADOPTED THIS THE 23<sup>rd</sup> DAY OF MARCH, 2005:**

**THE INDIANA GAMING COMMISSION:**

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**Chair**

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**Secretary**